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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,536	04/05/2000	Goran Rune	2380-225	7185

7590 06/03/2003

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[REDACTED] EXAMINER

GESESSE, TILAHUN

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2684

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/543,536	RUNE ET AL. <i>[Handwritten Signature]</i>	
	Examiner	Art Unit	
	Tilahun B Gesesse	2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 March 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-46 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 and 31 is/are rejected.

7) Claim(s) 22-30,32-46 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: claim 2 depends on claim 2, this is an error appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

- 2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-21 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Boudreux (us 6,466,556).

As to claims 1-2,7,9,13, Boudreux discloses a method of performing, for a telecommunication service (fig.1), relocation of a role of a serving radio network controller (SRNC)(303) from a first radio network controller (RNC)(303) to a second radio network controller (301)(figs.3-6), wherein for the service for which the relocation occurs the first radio network controller signals to the second radio network controller

information for linking a transport channel utilized for the service with a radio access (RAB) for the service (col.7 lines 45-65).

As to claim 3, 14, Boudreux discloses signaling the information for linking the transport channel utilized for the service with a radio access bearer (RAB) for the service at a time when a user equipment unit (UE) (312) involved in the service is not changing cells (it due to point of attachment the handover and relocation to new RNC takes place not due to change of cells, col. 5 line 44-col.6 line6).

As to claim 4,11,15 Boudreux discloses the signaling from the first radio network controller to the second radio network controller occurs via a core network (110) (fig.1B). As to claim 5,16, Boudreux discloses the transport channel utilized for the service is a dedicated transport channel (DCH) (col.4 lines 38-49).

As to claims 6,8,10,17, 19-21 and 31, Boudreux discloses the first radio network controller signals to the second radio network controller information for linking uplink and downlink transport channels (TrCHs) utilized for the service with a radio access bearer (RAB) for the service (fig.3-6). As to claims 12 and 18, Boudreux discloses everything as explained above, and further more, Boudreux discloses handover procedure which is analogous to relocation procedure (col.6 line 60-col.7 line13).

#### ***Allowable Subject Matter***

4. Claims 22-30,32-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the combined feature of " a transport channel identifier and a radio access bearer identifier in both a relocation required message and a relocation request message", was not found nor suggested in the prior art.

### ***Response to Arguments***

5. Applicant's arguments filed 3/27/03 have been fully considered but they are not persuasive for the following reasons.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Einola et al (us 6,438,370) disclose relocation (handover) from old SRNC to new SRNC (fig.4).

7. *Any response to this action should be mailed to:*

*Commissioner of Patents and Trademarks*

*Washington, D.C. 20231*

*or faxed to:*

*(703) 872-9314, (for formal communications intended for entry)*

*Or:*

*(703) 746-6042 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor, (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Nay, Maung, can be reached on (703) 308-7745. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

TBG

May 28, 2003

  
*Tilahun Gesesse*